

REMARKS

Reconsideration of the present application is respectfully requested on the basis of the following particulars.

1. Information Disclosure Statement

With regard to the references cited in the International Search Report established in PCT/EP 00/09113, of which this application is the U.S. National Stage, the Examiner is reminded that MPEP 609 on pages 600-119, column 2, (8th edition), specifically states that (with regard to National Stage applications):

The Examiner will consider the documents cited in the International Search Report in a PCT National Stage application when the form PCT/DO/EO/903 indicates that both the International Search Report and the copies of the documents are present in the National Stage file. In such a case, the Examiner should consider the documents from the International Search Report and indicate by a statement in the first office action that the information has been considered. There is no requirement that the Examiner list the documents on a PTO-892 form.

Form PCT/DO/EO/903 dated November 12, 2002, which is a part of the record of this application, indicates that a copy of the International Search Report along with copies of the references cited therein were received in this application.

Accordingly, it is respectfully requested that the Examiner acknowledge consideration of the document mentioned in the International Search Report in accordance with established procedure in the next office action, to the extent the documents are not already cited of record.

To ensure that the documents are listed on the face of any patent granted from this application, a PTO-1449 form is submitted herewith listing all of the documents mentioned in the International Search Report. Should the Examiner require copies of the references cited in the International Search Report, he is invited to contact the Applicants' representative for such copies.

2. Rejection of claims 1-19, 21, 23-31 and 34 under 35 U.S.C. § 102(b) as being anticipated by WO 97/38193 (Mitchell)

Applicants have carefully considered this rejection but it is most respectfully traversed for the reasons discussed below.

The Mitchell reference simply fails to teach each and every feature of claims 1 and 23 of the pending application. As is well understood, anticipation under 35 U.S.C. § 102(b) is established only when a single prior art reference discloses, either expressly or under the principles of inherency, each and every element of the claimed invention.

In observing FIG. 5 of the Mitchell reference, it is clear that the container described therein does not include a closure means that is defined by at least a male portion situated at a periphery of part 1, and a female portion situated at the periphery of part 2 such that the male and female portions snap fasten together. On the contrary, the Mitchell reference illustrates in FIG. 5 and describes on page 3, lines 16-20 that the periphery of part 2 is provided with a stepped rim 11 that is complementary to rim 6 of part 1. There is no disclosure or suggestion that the stepped rim 11 of part 2 and the rim 6 of part 1 can snap fasten together.

Overall, the Mitchell reference describes a closure means that is in contradistinction to the closure means of claims 1 and 23. More specifically, as shown in FIGS. 2-7, the closure means of the Mitchell reference includes square barbs 14 defined at a central location of part 2 that are arranged to be brought together with a socket 13 of part 1 that is also located at a central portion of the part

(page 4, lines 1 - 6). Thus, the rims 6 and 11 of corresponding parts 1, 2 then firmly engage upon snapping the barbs with the socket (page 4, lines 6-8).

It is submitted that the Mitchell reference equally fails to suggest providing the parts with the barbs and socket on the periphery. More particularly, the Mitchell reference states that it attempts to make the container inaccessible to manipulation from outside the container when it is closed (page 2, lines 11-12). This, of course, is achieved by positioning the barbs and the socket at the center portion of the respective parts.

In view of these observations, it is readily apparent that the Mitchell reference fails to disclose or suggest each and every feature of the system for sealing according to claims 1 and 23. Thus, claims 1 and 23 are not anticipated by the Mitchell reference.

Claims 1-19 and 21, which depend from claim 1, and claims 24-29, which depend from claim 23, are thus patentable based on their dependency from either one of claims 1 and 23, and their individually recited features. Claim 31 is unique in that it provides a method for inspecting the seal system according to claim 23 and is thus patentable in view of its incorporation of the seal system of claim 23. Claim 34 is patentable based on its dependency from claim 31 and its individually recited features.

Accordingly, withdrawal of this rejection is respectfully requested.

3. Rejection of claims 20, 22, 32 and 33 under 35 U.S.C. § 103(a) as being unpatentable over WO 97/38193 (Mitchell) in view of U.S. Patent 6,262,664 (Maloney)

In view of the above-provided observations on the shortcomings of the Mitchell reference, this rejection is respectfully traversed on the basis that the proposed combination of the Mitchell and Maloney references fails to disclose or

suggest the basic claimed embodiments recited in claims 20, 22, 32 and 33 of the pending application.

More specifically, the Maloney reference fails to disclose or suggest a container having a closure means that is defined by at least a male portion situated at a periphery of part 1, and a female portion situated at the periphery of part 2 such that the male and female portions snap fasten together. Instead, this reference is merely provided to fill a gap in the Mitchell reference of a prior art teaching wherein a semiconductor system can be made of plastic.

Claims 20 and 22, which depend from claim 1, and claims 32 and 33, which depend from claim 31, are thus patentable based on their dependency from claims 1 and 31, respectively, and their individually recited features.

Accordingly, withdrawal of this rejection is respectfully requested.

4. Conclusion

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that each and every pending claim in the present application be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicants' Attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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Date: November 5, 2004

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written in a cursive style.

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